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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/048,115	01/28/2002	John R Tilston	124-917	6354

7590

04/28/2003

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EXAMINER

RODRIGUEZ, WILLIAM H

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 04/28/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/048,115

Applicant(s)

TILSTON ET AL.

Examiner

William H. Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \*   c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.                      6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This office action is in response to the preliminary amendment filed 1/28/02.

#### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “*fuel tank, means to provide a hydrocarbon fuel, connection means, hydrogen peroxide tank, decomposition chamber*” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

2. Applicant filed a preliminary amendment on 1/28/02. In this amendment, applicant requested that the originally filed claims 9 and 12 be amended. However, in the disclosure originally filed there was never a claim 12. Therefore, the misnumbered claim (or new claim) 12 has not been entered and so it will not be considered as part of this rejection. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

3. Claim 7 recites, “a turbofan located with a duct” in line 3. This sentence should be replaced by “a turbofan located *within* a duct”. Appropriate correction is required.

4. Claim 3 is objected to because it erroneously depends from claim 4.

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5. Claim 1 recites, "a micro air vehicle comprising fuel tank" in line 1. This sentence should be replaced by "a micro air vehicle comprising *a* fuel tank". Appropriate correction is required.

6. Claim 3 recites, "an engine as claimed in claim 4 additionally comprising a means for providing" in lines 1-2. This sentence should be replaced by "an engine as claimed in claim 2 *further* comprising means for providing". Appropriate correction is required.

7. Claim 4 recites, "a method of propelling a micro air vehicle comprising decomposing hydrogen" in line 1. This sentence should be replaced by "a method of propelling a micro air vehicle comprising *the steps of* decomposing hydrogen". Appropriate correction is required.

8. Claim 7 recites, "a method of propulsion comprising decomposing hydrogen peroxide" in line 1. This sentence should be replaced by "a method of propulsion comprising *the steps of* decomposing hydrogen peroxide". Appropriate correction is required.

9. Claim 8 recites, "a method as claimed in claim 7 wherein additionally comprising burning a..." in line 1. This sentence should be replaced by "a method as claimed in claim 7 *further* comprising *the step of* burning a...". Appropriate correction is required.

10. Claim 5 recites the limitation "said combustion" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Specification***

11. The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.

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12. This application **does not contain an abstract** of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

13. The following titles are missing from the disclosure: Title of the Invention, Background of the Invention, Field of the Invention, Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98, Brief Summary of the Invention, Brief Description of the Several Views of the Drawing(s) and Detailed Description of the Invention:

***Claim Rejections - 35 USC § 102***

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by **Kosaka et al.** (U.S. 4,059,415).

16. With respect to claims 1-3, **Kosaka** teaches an apparatus that comprises a fuel tank 52, a hydrogen peroxide tank 32, a decomposition chamber 10 and a nozzle. See particularly **Figure 2**, column 4 lines 1-5 and abstract.

17. With respect to claims 4-9, the operation of the prior art apparatus of **Kosaka** will inherently perform the claimed method.

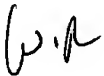
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***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Rodriguez whose telephone number is 703-605-1140. The examiner can normally be reached on Monday-Friday 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy S. Thorpe can be reached on 703-308-0102. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.



W.R.  
April 17, 2003



CHARLES G. FREAY  
PRIMARY EXAMINER